

Robert Armand Perez Sr. OH # 0009713
Trial Attorney for Plaintiff

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JOSEPH M. GROMADA, M.D.

Case No.: 1:05CV197

Plaintiff,

**Judge Michael H. Watson
Magistrate Timothy Black**

vs.

STANDARD INSURANCE COMPANY

Defendant.

PLAINTIFF'S MOTION TO CONSOLIDATE CASES

Now comes the Plaintiff Joseph M. Gromada, M.D. and hereby requests that the above-captioned case number 1:05CV197 be consolidated into the lower case number 1:05CV105.

MEMORANDUM IN SUPPORT

The Plaintiff Joseph M. Gromada filed two cases against Standard Insurance Company. One was in the Hamilton County Court of Common Pleas. The second was filed in the Southern District of Ohio. Because of certain time frames that were placed within the insurance policy, the Plaintiff wanted to protect his rights by filing in federal court even though he has maintained that this matter is more properly litigated in the Hamilton County Court of Common Pleas because he asserts that the "Safe Harbor" provisions apply to him, excluding this matter from ERISA.

The Defendant has removed the above-captioned matter and the Plaintiff filed a Motion to Remand. The Magistrate made a Report and Recommendation that ERISA applies. The Plaintiff has objected.

Nonetheless, the Plaintiff for the purpose of judicial economy moves to consolidate these matters, and requests that the Court consolidate case number 1:05-CV-00197 into the lower-captioned case number 1:05-CV-00105. It is the policy and practice of the Court to consolidate cases to the lowest case number. The Plaintiff hereby requests that policy be followed and the cases be consolidated as requested.

Respectfully submitted,

THE PEREZ LAW FIRM CO., L.P.A.

By: /s/ Robert Armand Perez Sr.
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion to Consolidate Cases was served via electronic service by the Court on March 27, 2006.

/s/ Robert Armand Perez Sr.
Robert Armand Perez Sr.